

### **DETAILED ACTION**

1. This Action is in response to Applicant's Request for Continued Examination filed on May 16, 2011. **Claims 1, 3-5 and 7-14** are now pending in the present application.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2011 has been entered.

#### ***Allowable Subject Matter***

3. **Claims 1, 3-5 and 7-14** are allowed.

4. The following is an Examiner's statement of reasons for allowance:

Consider **claims 1**, the prior art of record teaches a method for a preamble-based bandwidth request of a base station, the method comprising: receiving a ranging code from a subscriber station; transmitting a first ranging response message including first state control information to the subscriber station in response to the ranging code.

However, after the amendment to **claim 1**, Applicant's remarks have been considered and found to be persuasive. In agreement with the Applicant's remarks, the prior art failed to disclose the following features of the claimed invention when considered as a whole:

"receiving a bandwidth request code from the subscriber station after transmitting the first ranging response message; transmitting a second ranging response message including second state control information based on a channel state to the subscriber station in response to the bandwidth request code; and allocating an uplink resource for transmission of a bandwidth request message to the subscriber station."

Consider **claims 9**, the prior art of record teaches a method for a preamble-based bandwidth request of a subscriber station, the method comprising: transmitting a ranging code from a base station; receiving a first ranging response message including first state control information from the base station in response to the ranging code, and controlling the state of a subscriber station based on the first state control information.

However, after the amendment to **claim 9**, Applicant's remarks have been considered and found to be persuasive. In agreement with the Applicant's remarks, the prior art failed to disclose the following features of the claimed invention when considered as a whole:

"transmitting a bandwidth request code to the base station after receiving the first ranging response message; receiving a second ranging response message including second state control information from the base station in response to the bandwidth request code, and controlling the state of the subscriber station based on the second state control information; receiving an uplink resource allocated for transmission of a bandwidth request message from the base station; and performing modulation and channel coding based on second channel state

information received from the base station, and transmitting uplink data using the bandwidth request message."

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2617

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*/Marcos Batista/  
Primary Examiner, Art Unit 2617*  
December 1, 2011